

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

SHAUNTIA HARKNESS )  
Plaintiff, )  
 )  
v. )  
 )  
MIDLAND CREDIT MANAGEMENT, ) Case No.  
INC.; TRANS UNION LLC; EQUIFAX )  
INFORMATION SERVICES, INC.; )  
EXPERIAN INFORMATION )  
SOLUTIONS, INC.; )  
Defendants. )

**DEFENDANT TRANS UNION LLC'S NOTICE OF REMOVAL**

COMES NOW, Trans Union LLC ("Trans Union"), and files this Notice of Removal pursuant to 28 U.S.C. §1446(d) and in support thereof would respectfully show the Court as follows:

**A. Procedural Background**

1. On or about October 15, 2008, Plaintiff Shauntia Harkness ("Plaintiff") filed the Complaint in this action in the Circuit Court of Jefferson County, Alabama, Case No. CV 2008-903369.00 ("State Court Action") alleging violations of 15 U.S.C. §§ 1681, et seq., the Fair Credit Reporting Act, Fair Debt Collection Practices Act, defamation, invasion of privacy, and negligent conduct against the following Defendants: Midland Credit Management, Inc., who has settled with Plaintiff, and Trans Union LLC, Equifax Information Services, Inc., and Experian Information Solutions, Inc.

2. The time period for filing a responsive pleading in the State Court Action has not expired as of the filing of this Notice of Removal. No orders have been entered in the State Court Action as of the filing of this Notice of Removal.

3. Defendants Trans Union LLC, Equifax Information Services, Inc., and

Experian Information Solutions, Inc., were served with Plaintiff's Complaint on November 14, 2008, and Midland Credit Management, Inc., was served with Plaintiff's Complaint on November 18, 2008. Plaintiff and Midland Credit Management, Inc., have settled all claims between them, and Trans Union LLC, Equifax Information Services, Inc., and Experian Information Solutions, Inc., are the remaining Defendants in the case. This Notice of Removal is being filed within the thirty (30) day time period required by 28 U.S.C. §1446(b).

**B. Grounds for Removal**

4. The present suit is an action over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1331 and may be removed to this Court by Defendant pursuant to the provisions of 28 U.S.C. § 1441(b), as it is a civil action founded on a claim or right arising under the laws of the United States. Removal is thus proper because Plaintiff's claims present a federal question. 28 U.S.C. § 1441(b). In the Complaint, Plaintiff seeks damages for Defendants' alleged violations of the Federal Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.* Moreover, Plaintiff's state law claims may be adjudicated by this Court pursuant to 28 U.S.C. § 1367.

**C. Compliance with Procedural Requirements**

5. Pursuant to 28 U.S.C. § 1446(b), this Notice is being filed with this Court within thirty (30) days after Defendant Trans Union, the defendant first served with the Complaint, received a copy of Plaintiff's initial pleading setting forth the claims for relief upon which Plaintiff's action is based.

6. Pursuant to 28 U.S.C. § 1441(a), venue of the removal action is proper in this Court because it is in the district and division embracing the place where the state court action is pending.

7. Promptly after the filing of this Notice of Removal, Trans Union shall give written notice of the removal to the Plaintiff and will file a copy of this Notice of Removal with the Circuit Court of Jefferson County, Alabama, as required by 28 U.S.C. § 1446(d).

8. Pursuant to 28 U.S.C. § 1446(a), a copy of all process, pleadings, and orders served upon the Defendant Trans Union in the State Court Action is attached hereto as Exhibit "A". Please note the State Court Action docket sheet shows an Amended Complaint was e-filed on 10/16/08. However, upon reviewing the document on alacourt.com, it appears to be a corrected Summons, not an Amended Complaint.

9. Trial has not commenced in the Circuit Court.

10. All Defendants who have been served upon the date of filing of this Notice of Removal and who remain parties to this litigation consent to the removal of this case. Joinders in the Removal from Equifax Information Services, Inc. and Experian Information Solutions, Inc. are attached hereto as Exhibit "B".

11. Because Midland Credit Management, Inc., one of the named Defendants in Plaintiff's Complaint, has settled with Plaintiff, it is thus a nominal party whose consent to removal is not necessary. 28 U.S.C. § 1446(a). (See Exhibit A, Plaintiff's Motion to Dismiss Defendant Midland Credit Management, Inc., filed 12/11/08).

WHEREFORE, Trans Union LLC respectfully prays that the action be removed to this Court and that this Court assume full jurisdiction as if it had been originally filed here.

Respectfully submitted,

*/s/ Kary B. Wolfe*

---

**KARY BRYANT WOLFE** (WOL016)

[kwolfe@walstonwell.com](mailto:kwolfe@walstonwell.com)

**TIMOTHY M. DAVIS** (DAV162)

[tdavis@walstonwells.com](mailto:tdavis@walstonwells.com)

WALSTON WELLS & BIRCHALL, LLP

1819 Fifth Avenue North, Suite 1100 (35203)

P.O. Box 830642

Birmingham, Alabama 35283-0642

(205) 244-5281

(205) 244-5481 Fax

***Counsel for Trans Union LLC***

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the above and foregoing document has been forwarded on December 12, 2008, to all counsel of record as follows:

Wesley L. Phillips PHILLIPS LAW GROUP, LLC 15 Office Park P.O. Box 130488 Birmingham, AL 35213-0488 (205) 383-3585 (800) 536-0385 Fax <i>Counsel for Plaintiff</i>	(via CM/RRR)	Kirkland E. Reid <a href="mailto:kreid@joneswalker.com">kreid@joneswalker.com</a> JONES, WALKER, WAECHTER, POITEVENT, CARRERE & DENEGRE 254 State Street (36603) P.O. Box 46 Mobile, AL 36601 (251) 439-7513 (251) 433-1001 Fax <i>Counsel for Equifax</i>	(via US Mail)
---	--------------	---	---------------

L. Jackson Young, Jr. <a href="mailto:ljy@ffdlaw.com">ljy@ffdlaw.com</a> FERGUSON FROST & DODSON 2500 Acton Rd., Suite 200 Birmingham, AL 35243 (205) 380-6984 (205) 380-6986 Fax <i>and</i>	(via US Mail)	A. Kelly Brennan <a href="mailto:kbrennan@balch.com">kbrennan@balch.com</a> BALCH & BINGHAM LLP 1901 Sixth Avenue North, Suite 1500 Birmingham, AL 35203 (205) 226-3475 (205) 488-5828 Fax <i>Counsel for Midland Credit</i>	(via US Mail)
Erin Dickinson <a href="mailto:eldickinson@jonesday.com">eldickinson@jonesday.com</a> JONES DAY 901 Lakeside Avenue Cleveland, OH 44114 (216) 586-3939 <i>Counsel for Experian</i>	(via US Mail)		

/s/ Kary B. Wolfe  
**OF COUNSEL**